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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Yilin Zhao

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EXAMINER

ANWAH, OLISA

ART UNIT

PAPER NUMBER

2645

DATE MAILED: 02/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/934,196

Applicant(s)

ZHAO, YILIN

Examiner

Olisa Anwah

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-10,16 and 17 is/are rejected.
- 7) ☒ Claim(s) 4,11-15 and 18-20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 1, 2, 7-10 and 16 are rejected under 35 U.S.C. § 102(e) as being anticipated by Yuen, U.S. Patent No. 6,215,811 (hereinafter Yuen).

Regarding claim 1, Yuen discloses a method in a mobile wireless communication station (see 60 from Figure 22) operating in a first data rate mode and a second data rate mode, comprising:

predicting when the mobile wireless communication station (see 60 from Figure 22) transitions between the first data rate mode and the second data rate mode; and

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requesting data from a network prior to transitioning between the first data rate mode and the second data rate mode (see column 22).

Regarding claim 2, see column 22.

Regarding claim 7, Yuen discloses a mobile wireless communication station (see 60 from Figure 22) that operates in a first data rate mode and second data rate mode, comprising:

a transmitter (see 78 from Figure 23);

a processor (see 76 from Figure 23) coupled to the transmitter;

the processor (see 76 from Figure 23) for predicting when the mobile wireless communication station (see 60 from Figure 22) transitions between the first data rate mode and the second data rate mode; and

the transmitter (see 78 from Figure 23) for transmitting data before the mobile wireless communication station (see 60 from Figure 22) transitions between the first data rate mode and the second data rate mode (see column 22).

Regarding claim 8, see column 22.

Regarding claim 9, see column 22.

Regarding claim 10, see column 22.

Regarding claim 16, Yuen discloses a method in a network (see Figure 2) that operates in a first data rate mode and a second data rate mode, comprising:

predicting when a mobile wireless communication station (see 60 from Figure 22) transitions between the first data rate mode and the second data rate mode; and

transmitting data from the network prior to the mobile wireless communication station (see 60 from Figure 22) transitioning between a first data rate mode and a second data rate mode (see column 22).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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4. Claims 3 and 17 are rejected under 35 U.S.C § 103(a) as being unpatentable over Yuen in view of Streter, U.S. Patent No. 6,456,858 (hereinafter Streter).

Regarding claim 3, Yuen teaches requesting the data from a cellular communication network (see Figure 22). Yuen also explains the first data rate mode is digital (see column 4). Yuen does not explicitly mention the second data rate mode is analog. Nonetheless, Streter shows this feature (see Figure 1). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Yuen with the analog mode of Streter. This modification would have improved the flexibility of Yuen by allowing for a dual-mode wireless telephone communication system (see abstract).

As per claim 17, Yuen teaches transmitting data from a cellular communication network to the mobile wireless communication station before transitioning (see column 22). Yuen also explains the first data rate mode is digital (see column 4). Yuen does not explicitly mention the second data rate mode is analog. Nonetheless, Streter shows this feature (see Figure 1). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Yuen with the analog mode of Streter. This modification would

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have improved the flexibility of Yuen by allowing for a dual-mode wireless telephone communication system (see abstract).

5. Claims 5 and 6 are rejected under 35 U.S.C § 103(a) as being unpatentable over Yuen combined with Streter in further view of Twitchell et al, U.S. Patent No. 6,222,483 (hereinafter Twitchell).

On the issue of claim 5, the combination of Yuen and Streter does not teach requesting Global Positioning Satellite system data from the cellular communication network. However Twitchell shows this feature (see abstract). Consequently, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the combination of Yuen and Streter with the request of Twitchell. This modification would have improved the system's convenience by reducing delays as suggested by Twitchell (see column 3).

On the issue of claim 6 the combination of Yuen and Streter does not teach requesting ephemeris data from the cellular communication network. However Twitchell shows this feature (see abstract). Consequently, it would have been obvious to one of ordinary skill in the art at the time the invention was made to

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further modify the combination of Yuen and Streter with the request of Twitchell. This modification would have improved the system's convenience by reducing delays as suggested by Twitchell (see column 3).

#### ***Allowable Subject Matter***

6. Claims 4, 11-15 and 18-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa Anwah whose telephone number is 571-272-7533. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 571-272-7547. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications and 571-273-8300 for After Final communications.




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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

O.A.

Olisa Anwah  
Patent Examiner  
February 8, 2006



FAN TSANG  
SUPERVISORY PATENT EXAMINER  
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